

ORR Implemented ARC Recommendations
Tracking Sheet

Draft 11/4/15

Recommendation	Recommended Action	Status
<u>Environmental Recommendations</u>		
<u>Air Quality Recommendations</u>		
A-2 <i>Subject:</i> Mercury Rules: Part 15 Rules, (R 336.2501 – 2514)	Amend Part 15 rules to add a statement that stays compliance with Rules 336.2512, 336.2503(2)(a) & (6), 336.2509(1) and 336.2513(1)(a) & (3) until January 1, 2015. The Michigan Mercury Rules requirements will be effective on this date unless an applicable federal rule to control mercury has been published in the Federal Register. Once the applicable federal rule to control mercury has been published, the Michigan Mercury Rules should be rescinded.	Implemented.
A-4 <i>Subject:</i> Rule 206 Process Deadlines	R 336.1206 must be more specific and must include a definition for “administratively complete”. The rule should be amended to: <ul style="list-style-type: none"> ▪ Include a definition of “administratively complete” in Part 1. ▪ Require the Air Quality Division (AQD) to make an “administratively complete” determination within 10 days of the receipt of the application. ▪ Require AQD to act (issue or deny) on all minor source Permit to Install (PTI) applications within 180 days of receipt. This should include “opt-out” PTIs. ▪ Require AQD to act (issue or deny) all major source and major modification PTI applications within 240 days from the date of receipt. ▪ Allow for the extension of these deadlines with the mutual consent of both the applicant and the DEQ. 	Implemented.
A-6 <i>Subject:</i> Averaging Times and Compliance Testing – AQD Operational Memorandum No. 18	The DEQ should review Air Quality Division’s Operational Memorandum No. 18 to ensure it is consistent with federal test methods and make changes to the Memorandum if necessary. Stakeholder input should be included in any change to the Memorandum.	Implemented.
A-8 <i>Subject:</i> Michigan Continuous Emission Monitoring Rules (Part 11)	R 336.2170 should be amended to be consistent with the federal reporting requirements and limited to semi-annual reporting of excess emissions. The present Michigan rule requires quarterly reporting.	Implemented.

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A-9 <i>Subject:</i> Visible and Particulate Emission Limitations	The Air Quality Division (AQD) should develop a Policy Guidance Document addressing the use of visible emissions limits of less than 20% opacity in permit conditions. The process for developing the document should include stakeholder input and require any opacity limits that are more stringent than what is allowed by R 336.1301(1)(a) to be negotiated between the applicant and the AQD. The guidance document should be developed by June 1, 2012.	Implemented.
A-10 <i>Subject:</i> R 336.1330	The Air Quality Division should engage with USEPA to determine what it would take to get USEPA approval to rescind R 336.1330. Based upon that feedback, the DEQ should engage with stakeholders to determine whether to rescind or modify the rule, or take no further action.	Implemented.
A-11 <i>Subject:</i> R 336.1901 - General Nuisance Rule	With stakeholder involvement, rulemaking should be undertaken to clarify how R 336.1901 is to be used in the Permit to Install process. R 336.1901 should be limited to responding to and resolving <i>known</i> odor issues and other nuisances. As part of this review, all templates and standard language will be reviewed to assure the appropriate use of R 336.1901.	Implemented.
A-13 <i>Subject:</i> Stakeholder Involvement in SIP Development	The Air Quality Division of the DEQ should conduct stakeholder reviews to solicit more non-agency input in drafting State Implementation Plans (SIPs).	Implemented.
A-16 <i>Subject:</i> Volatile Organic Compounds (VOCs) – R 336.1611 and R 336.1707(3)-(4)	The DEQ should work with stakeholders to simplify the process for demonstrating compliance with these rules for Renewable Operating Permit facilities.	Implemented.
A-18 <i>Subject:</i> R 336.1349	R 336.1349 is obsolete and should be rescinded.	Implemented.
A-19 <i>Subject:</i> Limiting Compounds Required For Annual MAERS Report	Continue to use the existing default MAERS air toxics emission factors as an optional calculation tool for industry, but clearly identify which air toxics have been calculated using USEPA-supplied emission factors in the annual MAERS reports. Furthermore, the DEQ should be prohibited from developing new air toxics rules using D and E-rated emission factors.	Implemented.
A-20 <i>Subject:</i> Putting a Hold on the 18-Month	Amend R 336.1201(4) to provide for a “hold” on the 18-month timeframe if a permit decision has been appealed. The following bold language should be added to Rule 336.1201(4):	Implemented.

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Construction Window for A PTI	<i>"If the installation, reconstruction, or relocation of the equipment, for which a permit has been issued, has not commenced within, or has been interrupted for, 18 months, then the permit to install shall become void, unless (a) otherwise authorized by the department as a condition of the permit to install, or (b) the installation permit is the subject of an appeal by a party other than the owner or operator of the air contaminant source that is the subject of the installation permit, in which case the date of termination of the permit is not later than eighteen months after the effective date of the permit plus the number of days between the date in which the permit was appealed and the date on which all appeals concerning the permit have been resolved".</i>	
<u>Remediation Recommendations</u>		
R-1 <i>Subject:</i> Groundwater/Surface-Water Interface (GSI)	<p>Seek amendments to Part 31, Part 201, and R 299.5716 to address the following goals regarding the GSI pathway:</p> <ol style="list-style-type: none"> 1. GSI compliance evaluation should be based on surface water and not groundwater. 2. Prohibit excessive data demands. 3. Focus on designated uses and surface-water-quality standards in the surface water and not in groundwater or pore water. 4. Expand the bases for site-specific criteria, including non-numeric criteria. 5. Evaluate appropriate plume characteristics, such as using plume-average concentrations except where there is, or will likely be, an acutely toxic effect occurring in surface water. 6. Expressly recognize that natural attenuation may be acceptable in lieu of active treatment. Generally describe what is needed to show natural attenuation. 7. Use sustainability parameters in the response-activity choice factors. 8. Expressly state that no permit is needed under Part 31 for a GSI response activity. 9. Surface water subject to GSI regulation should not include all wetlands or storm-water retention ponds. 10. Develop new rule provisions or statutory changes for groundwater plumes infiltrating storm sewers based on the quality of the water exiting the storm sewer outfall and its impact on surface waters. 	Implemented. PAs 190 & 446 of 2012
R-4 <i>Subject:</i> Part 201 Rules	On or before April 1, 2013, the DEQ should rescind all rules (Parts 1, 4, 5, 7, 9, and 10) promulgated under Part 201 except the portion of the Part 7 rules related to establishing generic	Implemented. PA 446 of 2012

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	<p>cleanup criteria and screening levels. Concurrent with this process, DEQ should promulgate a streamlined and efficient rule package that contains only rules that are:</p> <ul style="list-style-type: none"> ▪ Necessary for program implementation; and ▪ Performance-based rather than prescriptive. 	
<p>R-5 <i>Subject:</i> Risk-Based Closures and Site-Specific Criteria</p>	<p>Consistent with the increased flexibility to create site-specific criteria under the 2010 Part 201 amendments, the DEQ should encourage the increased use and approval of risk-based site-specific closure limits in order to facilitate closure of more sites. In addition, Part 201 and the Part 201 rules should be amended to allow for non-numeric site-specific criteria.</p>	<p>Implemented. PA 446 of 2012</p>
<p>R-6 <i>Subject:</i> Effective Solubility and Free Phase Contamination</p>	<ol style="list-style-type: none"> 1. The DEQ should immediately discontinue applying the unpromulgated alternative criteria for gasoline that are based on USEPA effective-solubility formulas and that are attached to the DEQ Draft Q&A document dated May 12, 2011, and should use the existing promulgated criteria. 2. To the extent the DEQ believes that new criteria are appropriate for “free phase” contamination, it must seek the appropriate changes to Part 213 or promulgate new criteria under Part 201 pursuant to the Administrative Procedures Act. 3. In developing any new criteria to address free-phase contamination, the DEQ should use science and look to national best practices. 4. The DEQ should allow regulatory flexibility when evaluating “free phase” situations where there is no demonstrated impact to groundwater present. 	<p>Implemented.</p>
<p>R-7a <i>Subject:</i> Underground Storage Tank Inspection Delegation and Certification (R 29.2071 – R 29.2077)</p>	<p>The rule set relating to Underground Storage Tank Inspection Delegation and Certification (R 29.2071 – R 29.2077) should be rescinded.</p>	<p>Implemented.</p>
<p>R-7c <i>Subject:</i> Transportation of Flammable and Combustible Liquids (R 29.2201 – R 29.2234)</p>	<p>The rule set relating to Transportation of Flammable and Combustible Liquids (R 29.2201 – R 29.2234) should be rescinded because it is redundant with existing transportation regulations.</p>	<p>Implemented.</p>

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R-7d <i>Subject:</i> Compressed Natural Gas (CNG) Vehicular Fuel Systems (R 29.4601 – R 29.4652)	The Compressed Natural Gas (CNG) Vehicular Fuel Systems program (R 29.4601 – R 29.4652) is related to fire safety and should be transferred from the DEQ to the Bureau of Fire Services (within LARA) through an executive order. Further, the Michigan-specific amendments to the national codes should be rescinded and the current national codes should be adopted by reference.	Implemented.
R-7e <i>Subject:</i> Production, Storage, and Handling of Liquefied Natural Gas (R 29.4671 – R 29.4672)	The rule set relating to Production, Storage, and Handling of Liquefied Natural Gas (R 29.4671 – R 29.4672) should be rescinded because there are no applicable facilities (existing or planned) in the state.	Implemented.
R-7f <i>Subject:</i> Storage and Handling of Flammable and Combustible Liquids (R 29.5101 – R 29.5516)	<ol style="list-style-type: none"> 1. Transfer the Storage and Handling of Flammable and Combustible Liquids program (including Rules 29.5101 – R 29.5516) from the DEQ back to the Bureau of Fire Services (within LARA) through an executive order. 2. The Bureau of Fire Services should amend these rules to rescind the current Michigan-specific amendments to the national codes and then adopt by reference the current national codes (without state-specific amendments). 3. Concurrent with the rulemaking by the Bureau of Fire Services in Recommendation #2 above, the DEQ should determine if there are remaining environmental concerns specifically related to the PIPP Part 5 rules (R 324.2001 – R 324.2099) pertaining to aboveground storage tanks. If environmental concerns are identified, they should be evaluated against the best practices in neighboring states to determine whether additional regulations by the DEQ are truly necessary. 	Implemented.
R-7g <i>Subject:</i> Liquefied Petroleum Gas (LPG) (R 29.6001 – R 29.6097)	The Liquefied Petroleum Gas (LPG) program (R 29.6001 – R 29.6097) is related to fire safety and should be transferred from the DEQ to the Bureau of Fire Services (within LARA) through an executive order. Further, the Michigan-specific amendments to the national codes should be rescinded and the current national codes should be adopted by reference.	Implemented.
R-9 <i>Subject:</i> Due Care for Indoor Air Inhalation at	The Part 201 inhalation criteria and due care related rules (R 299.5714(6), R 299.5724(6) and R 299.51013(5)), and if necessary, Part 201, should be modified and amended so that indoor air inhalation risk at workplaces could be addressed at the option of an owner or operator of	Implemented. PA 446 of 2012

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a Property Subject To MIOSHA Standards	property by applying MIOSHA and federal (USEPA) workplace exposure criteria for both workers and non-workers in workplaces in lieu of generic Part 201 criteria and without regard to whether or the extent to which the chemical in question is being used in the workplace. This would include the deletion of the limitations contained in R 299.5714(6)(a)-(c), R 299.5724(6)(a)-(c) and R 299.51013(5)(a)-(c). In addition, if generic soil gas criteria are promulgated, the criteria should be based on indoor air or inhalation exposure limits established under MIOSHA if established for the chemical in question.	
R-10 <i>Subject:</i> Soil Relocation Statute (MCL 324.20120c) and Associated Rules	The DEQ should implement Section 20120c to permit the relocation of contaminated soils within facility or property so long as due care or other measures are implemented which prevent human exposure or harm to the environment. In addition, the state should amend MCL 324.20120c and amend R 299.5542 to adopt proposed revised R 299.4110(l) in order to reduce regulatory burdens in connection with the proper relocation of soil under Part 201.	Implemented. PA 446 of 2012
R-11 <i>Subject:</i> Source Control Requirements under MCL 324.20114(1) and R 299.5526(4)	R 299.5526(4) should be amended to facilitate a clear understanding of the requirements of MCL 324.20114(1), including what constitutes a “source” subject to the Section.	Implemented. PA 452 of 2014
R-13 <i>Subject:</i> Part 201 Due-Care Plans Submitted As Response-Activity Plans For SBA Loans	Develop a Policy Guidance Document that creates an expedited period for reviews of due-care plans in the SBA-loan context. Further, it would be helpful to the regulated community if the DEQ created a Policy Guidance Document outlining the content that the DEQ believes would comply with the due-care-plan requirement for SBA loans.	Implemented.
R-15 <i>Subject:</i> Quality Review Team	Discontinue the DEQ’s Quality Review Team process, focusing instead on educating District staff and monitoring appropriately. The DEQ’s process to educate District staff and monitor decision-making should focus on achieving consistency, quality control, and collaboration with the regulated community.	Implemented.
R-17 <i>Subject:</i> Review Part 201 Cross-References	The DEQ and Attorney General’s office should review all cross-references contained in the Part 201 rules and correct any errors.	Implemented.
<u>Resource Management Recommendations</u>		

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RM-2 <i>Subject:</i> Beneficial Reuse	The DEQ should develop, based on recommendations from stakeholders, a new comprehensive Beneficial Reuse Act. The recommendations of the stakeholder workgroup should be implemented by April 1, 2012 and legislation prepared by May 1, 2012.	Implemented. PAs 178, 179 & 180 of 2014
RM-3 <i>Subject:</i> Michigan Hazardous Waste Regulations	The DEQ should conduct a systematic review – including stakeholder and public comment – of the chemicals and wastes listed in R 299.9226, Table 205c (“U” listed); R 299.9219, Table 202 (“S” characteristic); and R 299.9223, Table 204b (“K” listed). The review should consider new information about the chemicals and wastes to determine if they should remain on the lists or be removed.	Implemented.
RM-4 <i>Subject:</i> Rescind/Repeal Michigan PCB Regulations	Michigan’s PCB rules (R 299.3301 – R 299.3319) should be rescinded. Make statutory amendments necessary to remove PCB regulations from Michigan statute (MCL 324.14701 – 324.14705).	Implemented. PA 446 of 2012
RM-5 <i>Subject:</i> Hazardous Waste Biennial Reporting Required Under the Federal Resource Conservation Recovery Act (RCRA) of 1976	The DEQ should convene a stakeholder workgroup to develop electronic biennial reporting for hazardous waste generators to streamline the process and eliminate duplicative reporting.	Implemented.
RM-6 <i>Subject:</i> Financial Assurance for Landfills	Part 115 should be amended to allow for additional financial assurance mechanisms, and to streamline and create a more cost effective method of assuring proper funds are available for landfill emergencies and closure.	Implemented.
RM-7 <i>Subject:</i> Hazardous Waste User Charge and Manifest Systems	The DEQ should convene a stakeholder group to redesign the hazardous waste user charge system to make it fair, simple and timely, and to develop electronic methods for minimizing the paperwork associated with the verification of hazardous waste manifests.	Implemented.
<u>Water Recommendations</u>		
W-2 <i>Subject:</i> Mercury Rule for National Pollutant	Allow an NPDES permittee with a water quality-based effluent limit (WQBEL) for mercury in the permit to account for inlet loading concentration when their contribution to the effluent is negligible. Language should be added to R 323.1211(7)(a) that states:	Implemented.

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Discharge Elimination System (NPDES) Permits	<i>"If the mean effluent concentration is less than 10% greater than the mean inlet concentration (using 24 consecutive months of monitoring data) and does not exceed the mean inlet concentration by more than 0.5 PPT, then the permittee should be exempt from the PMP requirements and subject to annual monitoring."</i>	
W-3 <i>Subject:</i> R 299.2933(4) Promulgated Under Part 41, Sewerage Systems, of the NREPA (MCL 324.4101 et seq.)	R 299.2933(4) should be rescinded.	Implemented.
W-5 <i>Subject:</i> Part 301 (Section 30105) Inland Lakes and Streams; Part 303 (Section 30312) Wetlands Protection; and Part 325 (Section 32512) Great Lakes Submerged Lands of the NREPA	Amend Michigan's Inland Lakes & Streams, Great Lakes Submerged Lands, and Wetlands programs to adopt the USACE Nationwide permitting approach of allowing non-reporting general permits for minor projects below certain thresholds and individual permits for projects above those thresholds. Amend the Minor/General Permit Category revisions accordingly. To ensure consistent program implementation, these activities should be coordinated with any proposals from the Wetland Advisory Council.	Implemented. PA 98 of 2013
W-6 <i>Subject:</i> Implementation of General Federal Nationwide permits: State 401 and Coastal Zone Management Certification of U.S. Army Corps of Engineers (USACE) Nationwide Permits	The DEQ should review, with stakeholder involvement, all 44 USACE Nationwide Permits to determine if the current MDEQ Nationwide permit denials or additional conditions make sense or if they are more stringent than the federal requirements. To ensure consistent program implementation, these activities should be coordinated with any proposals from the Wetland Advisory Council.	Implemented.

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W-7 <i>Subject:</i> Sanitary Sewer Overflows Control	Revise the Part 21 rules (R 323.2101 et seq.) to explicitly direct the DEQ to permit the diversion of separate sanitary flow to a combined sewer retention treatment facility for settling, screening, disinfection and discharge in order to prevent sanitary sewer overflows (SSOs), provided such discharge to a combined sewer retention treatment facility does not violate water quality standards. In addition, the DEQ should permit a sewage system operator that is under an administrative order to abate storm water infiltration and inflow to its sanitary collection system, to divert flow from the separate sanitary system to a combined sewer retention treatment facility to provide the operator time to rehabilitate the sanitary collection system.	Implemented.
W-8 <i>Subject:</i> Agricultural Activities under Parts 301 and 303 of the NREPA	<p>The DEQ should work with the agricultural community to resolve issues related to the manner in which certain agricultural activities are regulated under Parts 301 and 303. These include:</p> <ul style="list-style-type: none"> ▪ the extent to which permits are required for activities directly relating to exempt activities, such as fencing for grazing; ▪ the cutting of trees and bushes within wetlands; and ▪ whether it is appropriate to limit the USEPA's position regarding the <i>Huggett</i> ruling to only federal wetlands. <p>The primary consideration in resolving these issues should be to streamline the permit process, especially for activities that have a minimal impact on the environment.</p>	Implemented. PA 98 of 2013
W-11 <i>Subject:</i> Unduly Restrictive Requirements for NPDES Permitting of Storm Water Runoff at Airports	Provide DEQ with additional flexibility in helping airports manage ADFs in storm water. Adopt rules that require DEQ to develop a sector-specific general permit for airports consistent with federal regulations and USEPA's Multi-Sector General Permit for Air Transportation facilities (Sector S-air transportation facilities) and that don't impose requirements stricter than required under federal law.	Implemented.
W-13 <i>Subject:</i> DEQ Annual Wastewater Report	Rescind R 299.9001 – R 299.9007, which require annual wastewater reporting to the DEQ.	Implemented. PA 43 of 2012
W-15 <i>Subject:</i> Coordinating Storm Water Operators for Construction Sites with Local Enforcement of Soil Erosion and Sedimentation Control	Amend R 323.2190 to provide construction site owners the option of utilizing the services of the local Part 91 Soil Erosion and Sediment Control Inspectors to fulfill the inspection and compliance reporting requirements.	Implemented.

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W-16 <i>Subject:</i> NPDES Permitting for Construction Sites	The Part 21 rules governing storm water discharges from construction sites should be amended to allow for a process that will exempt sites where it can be demonstrated that there will be no discharge of sediment to a surface water body. This will eliminate the requirement that a certified storm water operator be hired for sites that are between 1 and 5 acres where it has been demonstrated that there will be no discharge of sediment to a surface water body, and will eliminate the requirement of a submittal and approval of an “application” for sites over 5 acres, in instances where there is no anticipated impact to surface waters.	Implemented.
W-18 <i>Subject:</i> NPDES Water Treatment Additives	The DEQ should create a “notification only” process for well-defined water treatment additives (WTA) conditions that pose minimal toxicity concerns (e.g., the WTA would not be present at the discharge point to navigable waters in toxic amounts, including a conservative safety factor).	Implemented.
W-19 <i>Subject:</i> Mercury Standard for Groundwater	DEQ should work with the USEPA to revise the Great Lakes Initiative with respect to the groundwater/surface water interface criterion/wildlife protection value for mercury of 1.3 ng/l, by applying current science.	Implemented.
W-20 <i>Subject:</i> Part 301 - Inland Lakes and Streams – Permits Required For Drawdown Activities That Are Already Subject To Federal Energy Regulatory Commission (FERC) Authority	Eliminate the Part 301 permitting requirements related to temporary drawdown activities for entities that are already subject to a FERC license.	Implemented. PA 98 of 2013
<u>General Recommendations</u>		
G-1 <i>Subject:</i> Rules More Stringent Than Federal	Identify existing DEQ state rules and specific requirements that are more stringent than federal. Evaluate these rules and specific requirements to determine the benefits received versus the additional cost of compliance. Then systematically review (based on priority) to revise or eliminate unjustified rules or specific requirements.	Implemented.

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G-3 <i>Subject:</i> Administrative Rule Approval Process	The Committee recommends setting an expectation or requirement for the DEQ to take no more than 12 months for a proposed environmental administrative rule change. The process should incorporate steps to ensure adequate public comments and other discussions with stakeholders over accelerated schedules, as well as the use of innovative public input tools to increase public input and awareness of the proposed rulemaking.	Implemented.
G-4 <i>Subject:</i> DEQ Citation of Legal Authority	When making a written determination which affects the rights of a Michigan citizen or business, the DEQ should always cite the applicable legal basis (statute, administrative rule, or common law) for its determination.	Implemented.
<u>Inspections and Permitting Recommendations</u>		
5	Permit Application Review - Multiple Jurisdictions.	Implemented.
6	Create a Development-Friendly Culture throughout the State of Michigan – Adopt the Mantra of “Educate First, Enforce Second”.	Implemented.
8	Encourage Above the Minimum Continuing Education for all of the Participants in the System.	Implemented.
10	Require Sufficient Code Knowledge before Provisional Registration of Building Inspectors.	Implemented.
12	Allow for Electronic Submittal of Plans (Remove statutory wet-seal and signature requirement).	Implemented. PA 178 of 2013
14	Permit Applications Processing -- Parallel State Review.	Implemented.
16	Create Single Permit for Water Heater Replacement.	Implemented.
17	Create Single Permit for HVAC Installation.	Implemented.
21	Create an Applicant Checklist.	Implemented.
22	Provide for Pre-Project Meetings (including web-based meetings).	Implemented.
24	Create a Single Point of Contact for Projects of a Certain Size or Complexity.	Implemented.
25	Utilize Customer Feedback Surveys.	Implemented.

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<u>Insurance and Finance Recommendations</u>		
2 <i>Subject: Savings and Loan Act, PA 307 of 1980 (MCL 491.102 et seq.)</i>	Repeal of obsolete Savings & Loan Act.	Implemented. PAs 503, 449, 450, 451 and 452 of 2012
4 <i>Subject: Payment of Wages and Fringe Benefits Act, PA 390 of 1978 (MCL 408.471 et seq.)</i>	Amend the act to allow more community banks and credit unions to issue payroll debit cards.	Implemented. PA 440 of 2012
6 <i>Subject: Mortgage Brokers, Lenders, and Servicers Licensing Act, PA 173 of 1987 (MCL 445.1651 et seq.)</i>	Exempt from the act loans for business, commercial, or agricultural purposes, or to government or governmental agencies, or to organizations.	Implemented. PA 442 of 2012
<i>Subject: Consumer Mortgage Protection Act, PA 660 of 2002 (MCL 445.1631 et seq.)</i>	Exempt from the act loans for business, commercial, or agricultural purposes, or to government or governmental agencies, or to organizations.	Implemented. PA 443 of 2012
<i>Subject: Mortgage Lending Practices Act, PA 135 of 1977 (MCL 445.1601 et seq.)</i>	Exempt from the act loans for business, commercial, or agricultural purposes, or to government or governmental agencies, or to organizations.	Implemented. PA 444 of 2012
7 <i>Subject: Credit Union Rule 3</i>	This rule, governing credit union credit committee and board of directors' lending activity, should be rescinded.	Implemented.

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8 <i>Subject:</i> Credit Union Rule 4	The rule, regarding accounting for investments in mutual funds, should be rescinded and accounting for these types of investments should be governed by GAAP.	Implemented.
9 <i>Subject:</i> Credit Union Rule 7	The rule should be rescinded and minimum required allowances for loan and lease losses should be governed by GAAP and interagency guidance.	Implemented.
10 <i>Subject:</i> Credit Union Rule 8	This rule, regulating DFIR access to records, duplicates the requirements of MCL 408.4 and should be rescinded.	Implemented.
11 <i>Subject:</i> Bank Bulletins	DIFS should review all bank bulletins that pre-date adoption of the Banking Code of 1999 and rescind or update as appropriate and the DIFS website should be reconfigured to include a page for active, current materials and an archive page for superseded materials.	Implemented.
12 <i>Subject:</i> Credit Union Bulletin 2005-14-CU	This bulletin has been superseded by Bulletin 2008-08-BT. The DFIR website should be reconfigured to include a page for active, current materials and an archive page for superseded materials such as this bulletin.	Implemented.
13 <i>Subject:</i> Credit Union Bulletin 2004-01-OFIS	This bulletin has been superseded by Bulletin 2008-08-BT. The DFIR website should be reconfigured to include a page for active, current materials and an archive page for superseded materials such as this bulletin.	Implemented.
16 <i>Subject:</i> Credit Union Letter 2005-CU-11	DFIR should review and modify, if necessary, this letter in light of recent changes to national (NCUA) Reg Flex rules.	Implemented.
17 <i>Subject:</i> Credit Union Letter 2002-CU-09	This letter references Credit Union Rule 7 and will need to be modified or withdrawn if that rule is rescinded.	Implemented.
18 <i>Subject:</i> Lack of Enforcement	More attention should be directed towards of the problem of unregulated financial services providers to improve the environment for legitimate providers, including the development of more public service announcements advising consumers of certain activities.	Implemented.
19 <i>Subject:</i> PA 350 of 1980	The legislature should examine the BCBSM rate review process in a larger context in light of the health care changes nationally such as PPACA and HIPAA.	Implemented. PAs 4 & 5 of 2013
20	Remove the \$3 fee charged to an insurance producer each time they report a change of their mailing address (MCL 500.1238).	Implemented. PA 453 of 2012

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<i>Subject:</i> Insurance Code, PA 218 of 1956 (MCL 500.100 et seq.)		
21 <i>Subject:</i> Insurance Code, PA 218 of 1956 (MCL 500.100 et seq.)	Amend the statute to read “If uniformly applied to all its insureds, an insurer may establish and maintain a premium discount plan an insurer may utilize factors in addition to those permitted by section 2111 for insurance if the plan is consistent with the purposes of this act” (MCL 500.2110a).	Implemented. PA 441 of 2012
22 <i>Subject:</i> Insurance Code, PA 218 of 1956 (MCL 500.100 et seq.)	Allow an insurer to use additional factors in addition to those permitted by this section for insurance if the plan is consistent with the purposes of this act and reflects reasonably anticipated reductions or increases in an individual insured’s losses or expenses (500.2111).	Implemented. PA 441 of 2012
23 <i>Subject:</i> Insurance Code, PA 218 of 1956 (MCL 500.100 et seq.)	The detailed information requirement of MCL 500.2112 should be revised to require that the insurer (1) provide a one-page (or less) summary of the detailed information and (2) provide that detailed information on request (MCL 500.2112).	Implemented. PA 454 of 2012
24 <i>Subject:</i> Insurance Code, PA 218 of 1956 (MCL 500.100 et seq.)	Eliminate the requirement that an agent who represents more than one insurer provide the lowest available quotation for automobile or home insurance (MCL 500.2116(1)(a)).	Implemented. PA 454 of 2012
25 <i>Subject:</i> Insurance Code, PA 218 of 1956 (MCL 500.100 et seq.)	Three provisions require that affiliated insurance companies use the same underwriting rules and rating systems when they offer identical coverage and should be amended to eliminate this requirement. No other state has such a requirement (MCL 500.2117, 500.2119 and 500.2120).	Implemented. PA 421 of 2012
26 <i>Subject:</i> Insurance Code, PA 218 of 1956 (MCL 500.100 et seq.)	The statute regulating dwelling inspections should be amended to eliminate the criteria prohibitions relating to the structure but retaining the list of prohibited criteria --race, color, etc. - - contained in (e)	Implemented. PA 421 of 2012

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27 <i>Subject:</i> Insurance Code, PA 218 of 1956 (MCL 500.100 et seq.)	Eliminate the arbitrary deductible cap imposed (MCL 500.3109).	Implemented. PA 454 of 2012
<i>Subject:</i> Insurance Code, PA 218 of 1956 (MCL 500.100 et seq.)	Make the offering of "coordinated medical policy" discounts permissive (MCL 500.3109a).	PA 454 of 2012
29 <i>Subject:</i> Insurance Code, PA 218 of 1956 (MCL 500.100 et seq.)	The act requires that an insured be given the opportunity to present a grievance to the board of directors or other managerial body of an insurance company. The statute should be amended by striking the current language in (e) and replacing it with "provides an insured or enrollee the right to present a grievance orally or in writing before a designated impartial internal decision maker" (MCL 500.2213).	Implemented. PA 445 of 2012
32 <i>Subject:</i> R 500.2125-500.2155	These rules prohibiting the use of credit scores to determine insurance discounts should be rescinded in light of the Michigan Supreme Court's ruling that the practice was permissible under the Insurance Code.	Implemented.
36 <i>Subject:</i> Bulletin 2003-01-INS	This bulletin, providing guidelines for the use of credit scores to determine insurance discounts, should be revised or withdrawn in concert with the passage of legislation based on the NCOIL model regulating the practice.	Implemented.
37 <i>Subject:</i> Bulletin 2003-02-INS	This bulletin providing updated guidelines for the use of credit scores to determine insurance discounts should be revised or withdrawn in concert with the passage of legislation based on the NCOIL model regulating the practice.	Implemented.
38 <i>Subject:</i> Bulletin 2004-06-INS	This bulletin informing insurers of the effective date of the rules prohibiting the use of credit scores to determine insurance discounts should be withdrawn in light of the Michigan Supreme Court's ruling that the rules in question were illegal and that the practice is permissible under the Insurance Code.	Implemented.
39 <i>Subject:</i> Bulletin 2009-01-INS	This bulletin implementing a voluntary automobile insurance rate freeze program effective from February 3, 2009 to February 3, 2010 has expired and should be withdrawn.	Implemented.

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Recommendation	Recommended Action	Status
41 <i>Subject:</i> Bulletin 2009-11-INS and Order 09-023-M	The order and bulletin rescinded the 1997 Exemption Order as it pertained to property and casualty (automobile and home) forms. Rescind both and encourage DFIR towards the approach embodied in the 1997 Exemption Order which exempted forms from filing and prior approval.	Implemented.
42 <i>Subject:</i> Bulletin 2010-02-INS and Order 10-005-5	The order and bulletin rescinded the remainder of the 1997 Exemption Order making all forms subject to filing and prior approval. Rescind both and encourage DFIR towards the approach embodied in the 1997 Exemption Order which exempted forms from filing and prior approval.	Implemented.
43 <i>Subject:</i> Insurance Roundtable	Encourage DIFS to participate in industry roundtables to discuss regulatory issues.	Implemented.
44 <i>Subject:</i> Branch FEIN Number Requirement	Encourage DIFS to continue to work towards resolution of this issue.	Implemented.
45 <i>Subject:</i> MCL 500.225	Encourage DFIR to administer MCL 500.225 in an open and transparent manner to encourage legislators to participate in insurance activities coordinated by insurance and legislative associations including the NAIC and NCOIL.	Implemented.
46 <i>Subject:</i> MEDC Workers Compensation Activities	Encourage the MEDC to cease providing services in the workers compensation insurance marketplace.	Implemented.
<u>Liquor Control Recommendations</u>		
1	Increase the use of electronic communication.	Implemented.
3	Eliminate the DTMB-required escorting at the Commission's Lansing Office.	Implemented.
4	Treat incoming documents differently depending on the level of their importance.	Implemented.
5	Increase the use of "routine" licensing docket. Permit the Licensing Division Analysts to expand applications submitted for the Commission's review under the "routine" docket. Those applications that are problematic can continue to be fully written up for Commission review.	Implemented.

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Recommendation	Recommended Action	Status
8	Improve efficiency of release of closing packets by simplifying the process.	Implemented.
10	Conditionally Approved License	Implemented. PA 236 of 2013
13	Allow for immediate issuance of certain permits.	Implemented.
14	The Commission should be more flexible on local governing body resolutions in allowing conditional resolutions.	Implemented.
15	Eliminate most final inspections.	Implemented.
16	Eliminate investigation on individuals already licensed with the Commission.	Implemented.
17	Eliminate pre-licensing verification of finances by the Commission.	Implemented.
22	The licensing staff could be more fully cross-trained for more flexibility so that the staff can be shifted to different job functions that the work flow requires and address the different backlogs in different areas at various times.	Implemented.
34	Franchise Law Exemption	Implemented. PA 50 of 2014
53	Secondary Use	Implemented. PA 47 of 2014
55	MLCC Adjust the Per-Case ADA Fee.	Implemented.
57	MLCC to Limit the Number of Products Available.	Implemented.
59	Microbrewers/Brew Pubs	Implemented. PAs 42, 43 & 44 of 2014
61	Allow IRC's to include more than one size and allow them to read "750ml or larger," if desired.	Implemented.
63	Shift the collection of the excise tax on beer and wine produced outside of Michigan from the supplier to the distributors to increase efficiency.	Implemented. PAs 48 & 49 of 2014
72	Liquor Control Code, Rules and Non-Rule Regulatory Activities (General)	Implemented.
<u>Natural Resources Recommendations</u>		

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Recommendation	Recommended Action	Status
2	Land Appraisal Process	Implemented.
5	Land Ownership Strategy.	Implemented.
6	Hunting and Fishing Guides (Enhancement).	Implemented.
7	Hunting and Fishing Promotion.	Implemented.
8	Hunting and Fishing Guides (Printing).	Implemented.
9	Hunting Blinds	Implemented.
10	Fish and Wildlife Consumption Advisories.	Implemented.
11	Land Consolidation [MCL 324.2132].	Implemented. PA 240 of 2012
12	Strategic Administrative Management of Minerals.	Implemented.
13	Fisheries Order 245	Implemented.
14	ORV Policies and Procedures Manual [MCL 324.81129].	Implemented.
<u>Occupational Licensing Recommendations</u>		
<u>Overall Recommendations</u>		
A1 Self-Supporting Occupations	The occupational fee structure for all licensees or registrants should be financially self-supporting so that fees cover the cost of regulatory oversight.	Implemented.
A4 Continuing Education and Continuing Professional Development	All new CE and CPD requirements should be authorized in statute for the specific occupation. Guiding principles adopted for consideration before a department supports the creation of CE & CPD.	Implemented.

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Recommendation	Recommended Action	Status
A5 Guidelines & Criteria for Licensing Occupations.	LARA and other departments should continue to use the criteria in the document, Guidelines & Criteria for Evaluation of Proposed Regulatory Initiatives in Michigan to review potential new licensed occupations.	Implemented.
A6 Sufficient Resources for New Regulations.	New legislative requirements and or mandates relating to occupational licensing should provide for sufficient resources to carry out the new regulation.	Implemented.
A7 Non-required mailings	All non-required mailings by agencies to licensees or registrants should be reviewed for cost-effectiveness and necessity.	Implemented.
A8 Reciprocity	Evaluate the appropriateness of reciprocity of licensed occupations across states, and where appropriate, subject to ensuring appropriate safeguards in other states, encourage reciprocity.	Implemented.
A11 Licensed Occupations Only	Future regulation of occupations should be by licensing only, not registration or listings.	Implemented.
<u>Bureau of Corporations, Securities and Commercial Licensing Recommendations</u>		
B1 Auctioneers	The occupation of auctioneers should be de-regulated.	Implemented. PAs 151 & 152 of 2014
B3 Carnival Amusement Safety Board	The Carnival Amusement Safety Board should be abolished. However, licensing should continue and fees should be increased to be sufficient to cover administrative costs of regulation, such as processing applications and issuing permits. Additional charges for the actual costs of the inspections should be assessed.	Implemented. PA 138 of 2013
B5 Community Planners	The occupation of community planners should be de-regulated.	Implemented. PA 153 & 154 of 2014
B9 Immigration Clerical Assistants	The occupation of immigration clerical assistant should be de-regulated.	Implemented. PA 174 of 2014
B10 Interior Designers	The state should no longer maintain a list of interior designers.	Implemented. PAs 265 & 193 of 2014
B12 Ocularists	The occupation of ocularist should be de-regulated.	Implemented. PAs 155 & 156 of 2014
B21 Proprietary Schools & Solicitors of Proprietary Schools	The Proprietary School Act should be reviewed to consider the bonding process and enforcement process under the Administrative Procedures Act, as well as the fee structure for licensing to make the regulation of proprietary schools financially self-sustaining. The regulation of proprietary school solicitors should be discontinued.	Implemented. PA 157 of 2014

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Recommendation	Recommended Action	Status
<u>Bureau of Health Care Services Recommendations</u>		
D2 Counselors, Marriage & Family Therapists, and Social Workers	A stakeholder group of counselors, marriage & family therapists, and social workers should be established to work with LARA staff to review the relevant statutes regarding the need for existing exclusions, the definition of non-profits, and the potential combination of the occupational boards.	Implemented.
D3 Dieticians & Nutritionists	The occupations of dieticians and nutritionists should be de-regulated.	Implemented. PA 267 of 2014 (HB 4688 of 2013)
D7 Board of Pharmacy	The Public Health Code should be amended to allow the Board of Pharmacy to approve pilot projects within the occupation.	Implemented. PA 267 of 2013
D8 Psychologists	The regulation of psychologists should be examined by the Department and interested stakeholders to determine if existing exclusions should be maintained.	Implemented.
D12 Michigan Osteopathic Medicine Advisory Board	Eliminate the Michigan Osteopathic Medicine Advisory Board by repealing MCL 390.662-664.	Implemented. PA 260 of 2013
<u>Bureau of Fire Services Recommendations</u>		
F1 Underground Storage Tank Qualified Consultants	The regulation of Underground Storage Tank Qualified Consultants and Certified Professionals should be de-regulated.	Implemented. PA 108 of 2012.
<u>Rulemaking Process Recommendations</u>		
9 - Use technology to increase public access to the rulemaking process	The rule tracking mechanism on the ORR's website should be more user-friendly and its availability should be better promoted. Users should be able to receive customized e-mail notifications from the ORR as proposed rules go through the rulemaking process.	Implemented.
12 - Improve the understandability and visual appeal of rules	Improve the look and feel of the administrative rules by using correct font, and differentiating text through use of bold and indentations. In addition, the ORR should make a focused effort to encourage departments to draft rules in an understandable, plain language style (including avoiding the use of double negatives).	Implemented.

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Recommendation	Recommended Action	Status
<u>Workplace Safety Recommendations</u>		
1	Eliminate the Construction Safety, General Industry & Occupational Health Standards Commissions, and assign Director responsibility w/support of advisory committees. (Amend)	Implemented. PAs 415, 416 & 448 of 2012
2	Amend MCL 408.1014(7) to define what constitutes a "clear and convincing". (Amend)	Implemented. PA 447 of 2012
3	MIOSHA should update its rules to comply with the Standards Improvement Project.	Implemented.
4	Rules specifying qualifications of employees should be rescinded, as long as the standard requires the employer to limit the use of the equipment to trained & qualified employee (see R 408.15851). Rules R 408.11851, R 408.11913, R 408.1215, R 408.12231. (Amend)	Implemented.
5	MIOSHA should engage with the agricultural community to evaluate the best way to regulate confined spaces in agricultural operations given that the relevant rules were accidentally rescinded. (Develop and Promulgate Rules)	Implemented.
6	MIOSHA should pursue a review of state rules, once the federal government has completed its review of the following standards: OH Part 301, OH Part 601, and OH Part 622. (Review and Adopt Rules)	Implemented.
7	MIOSHA should withdraw pending rule requests which include rules that exceed federal standards: 2009-064 LR, 2010-008 LR, 2010-009 LR, 2010-010 LR, and 2011-011 LR. (Withdraw Rule Requests)	Implemented.
8	MIOSHA should move all rule sets under the Michigan Administrative Code (except for those recommended for rescission). (See OH Part 3303, OH Part 3401-3406, OH Part 3503-3506, OH Part 5001-5006).	Implemented.
9	MIOSHA should review the various Diving Operations (CS Part 31, GI Par 79, OH Part 504) to potentially combine all of them into one standard, which should not exceed federal standards. (Review and Propose Rules)	Implemented.